

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

IN RE:	*	CASE NO: 15-40920
DENNIS RAY DUTY, II	*	CASE UNDER CHAPTER 13
LAUREN CULBRETH DUTY	*	
615 LAKE HARDING DRIVE	*	
HAMILTON, GA 31811	*	
SSN ***-**-7931	*	
SSN ***-**-0470	*	
DEBTORS,	*	

NOTICE

The Debtors have filed papers with the United States Bankruptcy Court, P.O. Box 2147, Columbus, Georgia 31902 (706) 649-7837, to modify the above referenced Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy Case. (If you do not have an attorney, you may wish to consult one.)

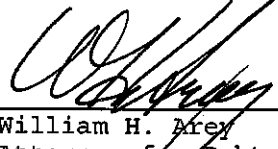
If you do not want the Court to modify the Chapter 13 Plan, or if you want the Court to consider your views on the motion, then you or your attorney must:

Attend the Hearing scheduled to be held on February 23, 2016 at 9:00 A.M. in Courtroom, United States Bankruptcy Court, located at Suite 309, 1 Arsenal Place, 901 Front Avenue, Columbus, Georgia.

If you or your attorney does not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting that relief.

This 3rd day of February 2016.

AREY, LONG & CROSS, P.C.

By: 
William H. Arey
Attorney for Debtors
P.O. Box 8841
Columbus, GA 31908
(706) 596-6745
State Bar No: 021238

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DEBTORS,	*	

MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION

The DEBTORS, under the authority of Section 1323 of the Bankruptcy Code, files this Motion for Modification of Plan and respectfully shows:

1.

Debtors propose to modify the Plan as follows: By adding Auburn University Federal Credit Union as secured on cross collateralization in the amount of \$4,555.56, valued at \$3,000.00, and they will be paid Pro Rata; and by reducing the Pot Plan to the unsecured creditors to \$25,000.00. All other terms shall remain the same.

2.

After notice and opportunity for objections, the plan as modified should become the Debtors' plan.

WHEREFORE, the Debtors pray that their motion for modification of plan be approved.

AREY, LONG & CROSS, P.C.

By: 

William H. Arey
Attorney for Debtors
P.O. Box 8641
Columbus, GA 31908
(706) 596-6745
State Bar No: 021238

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE: Dennis Ray Duty, II and Lauren Culbreth Duty

DEBTORS,

CHAPTER 13 CASE NO: 15-40920

CHAPTER 13 PLAN

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s) employer) shall pay to the trustee the sum of \$ 1,248.00 monthly. (If the payments change over time include the following.) These plan payments change to \$ N/A monthly on N/A, 2015.
2. From the payments so received, the trustee shall make disbursements as follows:
 - (a) The trustee percentage fee as set by the United States Trustee;
 - (b) The monthly payments will be made on the following long-term debts: (payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER PLAN	MONTHLY PAYMENT AMOUNT
N/A		

(c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts made after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
GM FINANCIAL	\$25.00
SANTANDER	\$25.00

(d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See Section 1325(a).

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
N/A					

(e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
GM FINANCIAL	\$25,653.00	\$14,725.00	5%	2010 LINCOLN MKT	\$335.00
AUBURN UNIVERSITY FEDERAL CREDIT UNION	\$4,555.56	\$3,000.00		CROSS COLLATERALIZATION	PRO RATA
SANTANDER	\$10,852.66	\$3,300.00	5%	2009 CHEVROLET HHR	\$76.00

(f) Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of \$ 3,000.00 to be paid as follows:

Pursuant to the Current Administrative Order on Attorney Fee Awards	Pay according to the Administration Order.
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(g) After the above are paid, distributions will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
N/A					

(h) The following collateral is surrendered to the creditor :

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
N/A	

(i) The following domestic support obligations will be paid over the life of the plan as follows: (These payments will/will not be made simultaneously with payment of the secured debt and will/will not include interest at a rate of ____%. Interest can only be included if the plan is proposing to pay all claims in full.)

NAME OF CREDITOR	PAYMENT AMOUNT
N/A	

(j) The following unsecured claims are classified to be paid at 100%. These payments will/will not be made simultaneously with

payment of the secured debt: N/A.

(k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law: INTERNAL REVENUE SERVICE AND GEORGIA DEPARTMENT OF

REVENUE.

(l) The debtor(s) will be the disbursing agent on the following debts: USAA-SECOND MORTGAGE AND SETERUS - DOING LOAN MODIFICATION TO INCLUDE ARREARS.

(m) Special provisions:

- (a) Confirmation of the case will constitute a finding the requirements of Section 521 have been completed with.
- (b) The Non-PMSI in HHG of the following shall be void upon completion of the Plan:
- (c) The valuations shown above will be binding unless a timely objection to confirmation is filed. Secured claims shall be allowed for the value of the collateral or the amount of the claim, whichever is less, and shall be paid in monthly installments and at the interest rate as shown above. Secured creditors shall retain their liens as provided in 11 U.S.C. § 1325(a)(5).
- (d) Upon completion of the Chapter 13 Plan payment to the secured creditors, any and all liens held shall be released, and the title returned to the debtor(s), except this does not apply to any long term debt, regulatory liens or debts being paid outside the Chapter 13 Plan.
- (e) Any Mortgage payments made after the date of filing are only to be applied to current balances.
- (f) The collateral surrendered to the creditor as shown above in Paragraph H is in full satisfaction of the debt.
- (g) The following Executory Contracts and/or leases being assumed by the debtor(s) pursuant to this plan, the Debtor(s) shall make all pre-confirmation §1326 adequate protection payments directly to the Lessors pursuant to the terms of the contract: _____
- (h) Property of the estate does not revert upon confirmation.
- (i) Debtor(s) may execute a Quit Claim Deed back to the mortgage holder after confirmation on any property surrendered in Paragraph H.
- (j) **IF THE DEBTOR(S) HAVE ANY STUDENT LOANS, THEY SHALL BE DEFERRED DURING THE PENDENCY OF THIS CHAPTER 13 PLAN:** _____

(n) Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative, debtor(s) will pay the highest of the three)

- (i) Debtor(s) will pay all of the disposable income as shown on Form B22C of \$ 0.00 to the non priority unsecured creditors in order to be eligible for discharge.
- (ii) If the debtor(s) filed a Chapter 7 case, the unsecured creditors would receive \$ 0.00. Debtor(s) will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge.
- (iii) The debtor(s) will pay \$ 25,000.00 To the general unsecured creditors to be distributed Pro Rata.

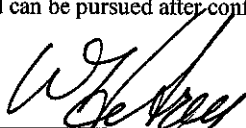
(o) General unsecured creditors whose claims are duly proven and allowed will be paid:

- (a) N/A % dividend as long as this dividend exceeds the highest amount, if any, shown in Paragraphs (n)(i), (n), (ii) or (n)(iii), and the debtor pays in at least 36 monthly payments to be eligible for discharge.
- (b) The debtor(s) will make payments for 60 months and pays a dividend of N/A %, but will also exceed the highest amount shown in Paragraphs (n)(i), (n), (ii) or (n)(iii) above.

(p) Unless otherwise ordered by the Court, all property of the estate, whether in the possession of the Trustee or the Debtor(s), remains property of the estate subject to the Court's Jurisdiction, notwithstanding Section 1327(b), except as otherwise provided in Paragraph (M) above. Property of the estate not paid to the Trustee shall remain in the possession of the Debtor(s). All property in the possession and control of the Debtor(s) shall be insured by the Debtor(s). The Chapter 13 Trustee will not and is not required to insure assets and has no liability for injury to any person, damage or loss to any property in possession and control of the Debtor(s) or other property affected by property in possession and control of the Debtor(s).

(q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

Date: 2/2/16



AREY, LONG & CROSS
William H. Arey, Attorney at Law
P.O. Box 8641, Columbus, GA 31908
(706) 596-6745 State Bar No: 021238

CERTIFICATE OF SERVICE

I, William H. Arey, certify that I am and, at all times hereinafter mentioned, was more than 18 years of age; and that on the date below, I served a copy of the within Motion for Modification of Plan Before Confirmation and Notice by mailing a copy of the same in the United States Mail with appropriate postage affixed thereon to insure proper delivery addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

I, certify under penalty of perjury that the foregoing is true and correct.

Executed on 2/3/2016

By: 

AREY, LONG & CROSS, P.C.
William H. Arey
Attorney for the Debtors
P.O. Box 8641
Columbus, GA 31908
(706) 596-6745
State Bar No: 021238

Label Matrix for local noticing
113G-4
Case 15-40920
Middle District of Georgia
Columbus
Tue Feb 2 18:00:20 EST 2016

Advance America
2032 280 Bypass
Phenix City, AL 36867

Ashley Funding Services, LLC its successors
assigns as assignee of Laboratory
Corporation of America Holdings
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

Clear Spring Loan
P.O. Box 52238
Idaho Falls, ID 83405-2238

Columbus Pathology
Receivable Management Group
2901 University Avenue #29
Columbus, GA 31907-7601

Dr. David Sorkey
Receivable Management Group
2901 University Avenue #29
Columbus, GA 31907-7601

Georgia Imaging Radiology Cons.
P.O. Box 932500
Atlanta, GA 31193-2500

Inphynet Primary Care Phys
Plantation Billing Center
P.O. Box 189016
Fort Lauderdale, FL 33318-9016

Lab Corp
LCA Collections
P.O. Box 2240
Burlington, NC 27216-2240

American Financial Services, Inc. d/b/a GM
P.O. Box 183853
Arlington, TX 76096-3853

Amsol Physicians of Columbus
P.O. Box 5368
High Point, NC 27262-5368

Auburn University Federal Credit Union
P.O. Box 1610
Auburn, AL 36831-1610

Capital One Bank
Northland Group, Inc.
P.O. Box 390846
Edina, MN 55439-0846

Clearspring Loan Services, Inc
18451 North Dallas Parkway Suite 100
Dallas, TX 75287-5209

Columbus Regional Healthcare
Medical Revenue Service
P.O. Box 1149
Sebring, FL 33871-1149

GM Financial
P.O. Box 99605
Arlington, TX 76096-9605

Georgia Radiology Imaging Cons
Trustmark Recovery Services
541 Otis Bowen Drive
Munster, IN 46321-4158

Internal Revenue Service
401 W. Peachtree Street, N.W.
Stop 334-D
Atlanta, GA 30365

Laboratory Corporation of America
P.O. Box 2240
Burlington, NC 27216-2240

4
901 Front Avenue
P.O. Box 2147
Columbus, GA 31902-2147

Aquarius Pools Construction Co
5009 Summerville Road
Suite 3
Phenix City, AL 36867-1566

Auburn University Federal Credit Union
P.O. Box 30495
Tampa, FL 33630-3495

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Columbus Ambulatory Healthcare
Services
P.O. Box 1038
Columbus, GA 31902-1038

Columbus Regional Surgical Group
P.O. Box 1038
Columbus, GA 31902-1038

(p)GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202

Inphnet Primary Care Phy
Healthcare Revenue Recovery Group
P.O. Box 459080
Sunrise, FL 33345-9080

Lab Corp
AMCA Collection Agency
2266 S. Saw Mill River Road
Buidling 3
Elmsford, NY 10523

Mid Georgia Ambulance
Creditors Bureau Associates
420 College Street
Macon, GA 31201-6707

Midtown Acute Care
Professional Collection Service, Inc.
5156 River Road Suite I
Columbus, GA 31904-5883

Midtown Medical Center
MSC 367
P.O. Box 830270 Client 502
Birmingham, AL 35283-0270

Midtown Medical Center
NPAC
P.O. Box 742998
Atlanta, GA 30374-2998

Mycare Urgent Care
Receivable Management Group
2901 University Avenue #29
Columbus, GA 31907-7601

Pediatric After Hours
P.O. Box 1038
Columbus, GA 31902-1038

Quantum3 Group LLC as agent for
Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Santander Consumer
Bankruptcy Department
8585 N. Stemmons Freeway 1100 N
Dallas, TX 75247-3822

Santander Consumer USA Inc.
P.O. Box 560284
Dallas, TX 75356-0284

Seterus
14523 SW Millikan Way Ste 200
Beaverton, OR 97005-2352

Seterus, Inc.
14523 SW Millikan Way
Ste 200
Beaverton, Oregon 97005-2352

Southern Emergency Group
ARC Management Group
1825 Barrett Lakes Boulevard
Suite 505
Kennesaw, GA 30144-7570

St. Francis Hospital
P.O. Box 84022
Columbus, GA 31908-4022

Team Health
Medical Business Consultants
10510 Seminole BLVD #2
Seminole, FL 33778-4025

The Medical Center ER Dept
Revenue Recovery Corp.
P.O. Box 50250
Knoxville, TN 37950-0250

The Medical Center, Inc.
P.O. Box 1040
Columbus, GA 31902-1040

U.S. Trustee - MAC
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201-7987

USAA
Consumer Loan Payment
10750 McDermott Freeway
San Antonio, TX 78288-0578

USAA Federal Savings Bank
CBCS
236 East Town Street
Columbus, OH 43215-4631

Dennis Ray Duty II
615 Lake Harding Drive
Hamilton, GA 31811-4353

Kristin Hurst
Office of the Chapter 13 Trustee
P.O. Box 1907
Columbus, GA 31902-1907

Lauren Culbreth Duty
615 Lake Harding Drive
Hamilton, GA 31811-4353

William H. Arey
P.O. Box 8641
Columbus, GA 31908-8641

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Georgia Department of Revenue
1800 Century Blvd, NE
Suite 17200
Atlanta, GA 30345

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Federal National Mortgage Association

(d)AmeriCredit Financial Services, Inc. dba G
P O Box 183853
Arlington, TX 76096-3853

End of Label Matrix	
Mailable recipients	51
Bypassed recipients	2
Total	53

PERFECT IMAGES/CHECKREDI ALABAMA, LLC
C/O HSK LAW GROUP, LLC
1700 N. DIXIE HIGHWAY
SUITE 140
BOCA RATON, FL 334732